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Department of B° of Agriculture

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STATION Telegram

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(SUBJECT.)

Smith (Sour Hamm) Wdp. C
Transfer - Change of name
Stirling - Escheated property -
Distribution sanctioned.

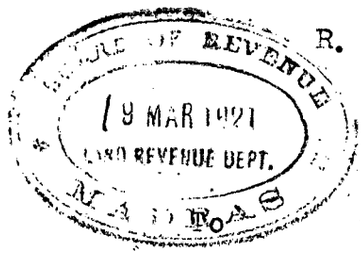
* Not to be filled in the case of permanent records.

Ref. on C.No.3567/Rev.19. South Kanara Collector's Office,

Mangalore, 15th March 1921.

A1381

From



R. H. Ellis, Esquire, I.C.S.,

Collector of South Kanara

The Secretary to the Board,

Land Revenue, Madras.

Sir,

B.P. No.1410 Mis., dated 12th November 1920.

Suits (South Kanara) - Udipi District Munsiff - O.S. No.383/20 and R.E.P.No.504/20 - Majur deceased Ummaya Shetty.

The plaint for taking possession of S.No.9/3 in the --- occupation of Poovu Shedthi prepared by the Vakil usually ---- employed on behalf of Government at Udipi and approved by the Government Pleader, Mangalore is submitted herewith for the Board's approval.

2. With reference to the last paragraph of the above -- Board's Proceedings, I have to state that Mudara Shetty when called upon to produce receipts in support of his statement -- that he has paid the rents till 1916-17 states that they are - missing and the Government Pleader, Mangalore suggests that a claim may be made by Government for 6 years rent prior to the deceased's death, as in the absence of vouchers or receipts, it would entirely lie on Mudara Shetty to prove the alleged payment. But the deceased being the father of Mudara Shetty of an Aliyasantana family without legal heirs, it is quite ------ possible that the son never paid any rent to the father and -- even if he had paid, he might not have obtained receipts from

claim 6 years rent prior to the deceased's death, the Court will decree the amount, simply because the lessee does not -- hold any receipts for payments made by him. I am of opinion that we may claim rent only from the year 1917-18. I ------ solicit Board's orders.

3. As regards the question of recovering arrears of -- rent from the other tenant, Shiddu Shetty, I have to state -- that the matter is still under enquiry. A final report will be submitted after the enquiry is completed.

In the Court of the District Munsif of Udipi.

Original Suit No. /1920.

Between

The Secretary of State for India in Council represented by the Collector of South Kanara. ---- Plaintiff.

and

Poovu Shettathi. Defendant.

Plaint under Section 26, Order VII Rule I of Civil Procedure Code.

The Plaintiff abovenamed begs to state as follows:-

I. That the Secretary of State for India in Council represented by the Collector of South Kanara, Mangalore is the Plaintiff. ---- Plaintiff.

The above is the address of the Plaintiff for service of notices and processes.

II. That the Defendant Poovu Shettathi is the daughter of Ummaya Shetty, Nadavar by caste and householder by occupation and resides at Majur village, Balisavira magane, Udipi Taluk.

III. Subject matter of the suit.

1. That the immovable property described fully herebelow viz. S.No. 9/3 of Majoor village belonged to one Ummaya Shetty now deceased along with other properties.

2. The said Ummaya Shetty was governed by Aliyasantana law and died heirless on 28.7.1917.

3. The Plaintiff is entitled to all the immovable properties of the deceased Ummaya by right of escheat which has been declared.

4. That the Defendant who is the daughter of the

deceased is, however, in wrongful possession of the suit --- property as against the lawful rights of Government.

5. Defendant, who is no heir of the deceased under the Aliyasantana law, is liable to surrender the suit property -- and buildings to Plaintiff with mesne profits at the annual - rate of Rs. 7-0-0 per year for three years from 28th July 1917

6. As the Defendant refuses to surrender the plaint -- property amicably to Government, the latter is constrained -- and entitled to file this suit against the Defendant for the following necessary reliefs.

7. That the cause of action for this suit arose in --- July 1917 and subsequently at Majur village within the territorial jurisdiction of this Court.

IV. That the total value of reliefs claimed in this --- suit is Rupees 181-15-0 both for purposes of jurisdiction and Court fees.

V. Plaintiff in conclusion prays for a judgment and -- decree in his favour granting him the following reliefs:-

a) Directing Defendant to surrender - possession of the plaint property to ------- Plaintiff. This relief is valued at ------ Rs. 5-15-0, 5 times the assessment on suit -- property; the assessment on the suit ------ property is Rs. 1-3-0.	4- 6- 0
b) Directing Defendant to surrender - possession of the building on suit property to Plaintiff. This relief is valued at --- Rs. 155-0-0 the estimated value of the said - building..	155- 0- 0
c) Directing Defendant to pay Plaintiff Rs. 21-0-0 for the past mesne-profits -- claimed in this suit.	21- 0- 0

d) Directing Defendant to pay Plaintiff similar mesne-profits from date of plaint till date of delivery.

e) Directing Defendant to pay Plaintiff the costs of this suit.

f) Granting Plaintiff such other and further reliefs as under the circumstances the Court thinks the Plaintiff is entitled to get from the Defendant.

Total value 181-15- 0

Dated 24th September 1920.

Description of the suit land.

Registration	Sub District.	Taluk.	Village.	Survey Number.	Subdivision Number.	Kisam.	Extent.	Assessment.
South Kanara.	Udipi.	Udipi.	Majur.	9	3	Garden.	A. C. 0-44.	Rs. A. 0-14.

For Collector.

17.3

R./16-3.

17-3-21